

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHATFIX INC.,
Petitioner,

v.

WALKME LTD.,
Patent Owner.

Case IPR2024-00065
Patent 11,558,317 B2

PATENT OWNER'S SUR-REPLY TO PETITIONER'S REPLY FOR
INTER PARTES REVIEW OF CLAIMS 1-20 OF U.S. PATENT NO.
11,558,317 B2

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EXHIBIT LIST

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
Ex2001	Declaration of George Stamatopoulos in Support of Patent Owner’s Motion for Pro Hac Vice Admission
Ex2002	Expert Declaration of Ivan Zatkovich in Support of Patent Owner’s Response with respect to Claims 1-20 of U.S. Patent No. 11,558,317 (“Zatkovich Decl.”)
Ex2003	Deposition Transcript of Homayoon Beigi, taken on June 25, 2024
Ex2004	Deposition Transcript of Homayoon Beigi, taken on June 26, 2024
Ex2005	Public Comments to S. Symons, "When Chatbots meet RPA bots," https://medium.com/roborana/when-chatbots-meet-rpa-bots-c8b22579f49a , Medium (Oct. 19, 2017) (omitted by Petitioner in Ex1004)
Ex2006	Zatkovich’s Overview of Ex2009, “Simple chatbot” .html Code, and Ex2010, Video of “Simple chatbot” .html Code
Ex2007	Khoros Staff, “Different types of chatbots: Rule-based vs. NLP”, Expert insights, Aug. 29, 2019 (marked as Beigi Ex. 19)
Ex2008	IBM, “What is a chatbot?”, https://web.archive.org/web/20221227051852/https://www.ibm.com/topics/chatbots (archived copy of Dec. 27, 2022).

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
Ex2009	“Simple chatbot” .html Code, Prepared by Mr. Zatkovich for use in IPRs 2023-01368, 2023-01379, 2024-00065.
Ex2010	Video demonstration of the “Simple chatbot” .html Code (Ex2009)
Ex2011	U.S. Patent No. 10,819,664 [Ex1001 in IPR2023-01368]
Ex2012	U.S. Patent No. 11,258,732 [Ex1001 in IPR2023-01379]
Ex2013	[RESERVED]
Ex2014 ¹	Supplemental Declaration of Ivan Zatkovich Pursuant to 37 CFR § 42.64 (b)(2) In Response To Petitioner's Objection to Evidence and Providing Supplemental Evidence for Inter Partes Review of Claims 1-20, of U.S. Patent No. 11,558,317

¹ Ex2014, Ex2015, Ex2016, Ex2017 and Ex2018 were prepared and served in response to Objections by Petitioner to Ex2005 and Ex2007. Dr. Beigi relies upon Ex2014-Ex2017 in his Reply Declaration. (Ex1042, ¶43). Ex2015-2017 (as submitted in IPR2024-00065) were marked as Beigi Ex. 31, 32, and 33, respectively, at his deposition. (See Ex2020, at 113:12-116:25; 148:8-152:19).

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
Ex2015 ¹	Comment of Neha Negi to S. Symons, “When Chatbots Meet RPA Bots”, Medium (Posted Sep. 10, 2018) (available at: https://medium.com/@nehanegi0230/hi-saw-the-video-but-wanted-to-know-how-does-the-chatbot-trigger-the-rpa-bot-2804de1ace4c)
Ex2016 ¹	Comment of Sachin Prakash to S. Symons, “When Chatbots Meet RPA Bots”, Medium (Posted June 9, 2018) (available at: https://medium.com/@sachinprakash.37/which-rpa-tool-and-chatbot-tool-are-you-used-and-give-description-to-do-this-automation-a4d4cc0e2193)
Ex2017 ¹	Comment of Esteban to S. Symons, “When Chatbots Meet RPA Bots”, Medium (Posted April 24, 2018) (available at: https://medium.com/@egalicia_coconut/interesting-but-i-seems-that-rpa-is-a-simply-program-d3bbb7c333df)
Ex2018 ¹	June 19, 2021 archive of Khoros Staff, “Different types of chatbots: Rule-based vs. NLP”, Expert insights (Aug. 29, 2019) (accessible at: https://web.archive.org/web/20210619072226/https://khoros.com/blog/different-kinds-of-chatbots)
Ex2019	Errata Sheet of Homayoon Beigi for Depositions taken on June 25 and 26, 2024 (Beigi Dep. Ex. 40)²

² Included for completeness of record. Counsel for Petitioner took the position that it was not obligated to provide an errata sheet, but Dr. Beigi provided a newly

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
Ex2020	Deposition Transcript of Homayoon Beigi, taken on November 11, 2024
Ex2021	Deposition Transcript of Homayoon Beigi, taken on November 12, 2024

executed version at his November 12, 2024 deposition. (See Ex2021, 294:12-295:20).

I. INTRODUCTION

Patent Owner (“PO”) submits this Sur-Reply regarding claims 1-20 of Patent 11,558,317 (“the ‘317 Patent”, Ex1001).

Petitioner’s Grounds rely upon improper claim constructions, informal inherency arguments where the proposed read is merely possible, and not “necessarily” so, and/or incomplete obviousness analysis which fail to follow the dictates of *Graham* and *KSR*. Applying proper claim construction and legal principles, the Petition fails to meet its burden of proof to render obvious any of the claims. All challenged claims should be confirmed.

II. CLAIM CONSTRUCTION

Everyone agrees the “ordinary and customary meaning” applies here. (POR, 23-24; Reply, 1; ID, 12). When Mr. Zatkovich demonstrated that, applying the plain and ordinary meaning, Grounds 1-3 fail, Dr. Beigi adopted an unusual and extraordinary meaning of a “web-based target system” which is a “third-party web-based target system”. For example, during his deposition, Dr. Beigi asserted “the browser ... would be an example of a web-based target system.” (Ex2020, 166: 23-167:1)

But, in line with the “plain and ordinary meaning,” a “web-based target system” requires usage of the internet. Indeed, the specification differentiates

between “a website, a web-based system” and “a desktop application”. (Ex1001, 8:13-18).

Dr. Beigi also took the leap that a “third party” does not refer to ownership or affiliation, but is about “management of that library... just that that separation makes it third-party”. (Ex2020, 154:4-155:6). This is not the ordinary meaning, nor one based on the disclosure. *See, e.g., Reshare Commerce, LLC v. State Farm Mutual Auto. Ins.*, Civil No. 11-2617-ADM-JJG, D.I. 137, at 15-17 (D. Minn. Nov. 21, 2012) (recognizing “unrelated” best captures the meaning of the term “third-party” as used in the claims and the specification; construing “third party” as “unrelated to the supplier”); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005) (internal citations omitted) (“The construction that stays true to the claims language and most naturally aligns with the patent’s description of the invention will be, in the end, the most correct construction.”). The ‘317 Patent is specifically tackling the problem where “the target system **may be owned by a third-party...**”. (Ex1001, 11:19-20).³ The technical solution offered to this problem, is “enabl[ing] the automation process to perform any functionality that the user can perform without relying on dedicated APIs and without requiring any line of code.” (Ex2021, 342:22-343:14).

³ All emphasis added unless otherwise indicated.

Dr. Beigi provided no intrinsic or extrinsic evidence for his post-petition construction. *Id.* Indeed, his report, rather than contesting the meaning of “third-party”, merely contested whether certain parties were “third-parties”, not the systems themselves. (Ex1042, ¶34).

The Board should reject these late attempts to diverge from the “ordinary and customary meaning” of the claims.

III. THE PETITION FAILS TO MEET ITS BURDEN ON ALL CHALLENGED CLAIMS

In an IPR, for obviousness, it is “petitioner's burden to demonstrate both that a skilled artisan would have been motivated to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had a reasonable expectation of success in doing so. Thus, while the PTO has broad authority to establish procedures for revisiting earlier-granted patents in IPRs, that authority is not so broad that it allows the PTO to raise, address, and decide unpatentability theories never presented by the petitioner and not supported by record evidence.” *In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1381 (Fed. Cir. 2016).

Throughout the Petitioner’s documents, both the Petitioner and Dr. Beigi make bare allegations of obviousness, without identifying the differences in the prior art and the claimed invention, and how they propose a POSITA would modify the

prior art, and why a POSITA would be so motivated. This does not fulfill their burden of proof.

A. Ground 1: Symons/Williams Do Not Disclose Or Render Obvious Claims 1-20

The Petition fails to identify the “differences between the prior art and the claim at issue” as the Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966), mandates to lay out a case of obviousness. (See Ex1003, ¶38; Ex2020, 200:4-25). For example, when asked during his latest deposition to walk through the Symons/Williams combination, Dr. Beigi had difficulty answering whether he was asserting each element was present in Symons, or whether he was asserting it would need to be modified in view of Williams, and if so how. (Ex2020, 164-244).

For example, when questioned regarding element 1[b], “do you identify what modifications you would do to Symons in view of your assertion in paragraph 79 (of Ex1003) as to handling multiple requests”, Dr. Beigi offered the following non-answer:

Well, again, together with the rest, but in 79, I'm setting the stage with how Williams talks about the importance RPAs and having multiple things being done by the RPAs and its importance to the organization.

And then I am talking about the fact that given that you want to handle multiple things in the organization using the different RPAs, then I give

examples of, for example, the examples that Williams give as some types of automation processes that it looks at.

(Ex2020, 209:25:210:11).

KSR is clear “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

Yet this is the approach Petitioner has taken. At best, Petitioner merely identify a hodge-podge of disparate passages of Symons/Williams relating to some of the portions of each element, without specifying the differences from the claim limitations, and without providing an adequate explanation of how or why a POSITA would modify Symons to meet the claim. But the law is clear that “the mere fact that these possible arrangements existed in the prior art does not provide a reason that a skilled artisan would have” made a substitution. *Virtek Vision Int’l ULC v. Assembly Guidance Sys., Inc.*, 97 F.4th 882, 887 (Fed. Cir. 2024); *see also In re Magnum Oil Tools, supra*.

As discussed below, Petitioner fails to show the claims are obvious.

1. Symons/Williams Do Not Disclose or Render Obvious a [a] “natural language interface”

a. “natural language interface” Requires NLP

Symons does not offer any explanation as to how the “chat bot” was generated, or if it uses NLP, as Dr. Beigi during his first deposition recognized would be required for a “natural language interface”. (POR, 34-37; Ex2003, 63:15-64:17).

That a “natural language interface” required use of NLP was well established by the Petition, ID, and Dr. Beigi through his first Deposition. This was consistent with Dr. Beigi (Ex1003, ¶17-21), the Petition (Petition, 6), and the ID (ID, 12) defining a POSITA having “experience working on NLP and automation processes”. The Petition and Dr. Beigi devoted as much word count discussing NLP as they did the ’317 Patent. (Petition, 3-5; Ex1003, ¶23-31). It is also consistent with the ’317 Patent and the ID’s description of the ’317 Patent. (*See* Ex1001, 13:46-48; ID, 4 (“the user may interact with chat bot using natural language processing techniques”)).

For the Reply, Petitioner and Dr. Beigi reformulates their construction of “natural language interface” to no longer require “natural language processing”.

This is wrong. Notwithstanding his Reply Declaration (Ex1042, ¶¶12-17), in his latest deposition, Dr. Beigi confirmed his opinion that Mr. Zatkovich’s demo (Ex2006) did not meet claim 1 because it does not use NLP (Ex2020, 83:25-84:12) (“the specifications multiple times speak about a chatbot and in a chatbot and they

do talk about natural language processing [...] we are talking about a chatbot, and we are requiring natural language processing”).

b. Symons Does Not Teach NLP

Dr. Beigi previously testified that when “bots use buttons, then I would say it’s a form” (Ex2003, 199:17-21; 200:11-24). He also confirmed “no” “a form where you fill in name, address, telephone number would [not] be human natural language” (60:24-61:3). Now, the Reply and Dr. Beigi rely upon Symon’s use of “yes” and “no” buttons as being natural language processing. (Reply, 3-4; Ex1042, ¶¶19-21).

Besides being inconsistent, since Dr. Beigi does not know the “internals” of the Arinti “chatbot” in Symons, he does not know *how* the user’s affirmative or negative response is processed. As demonstrated by Mr. Zatkovich, the processing of Symons’ “chatbot” could have been “hard-wired” (Ex 2002, ¶¶106, 145, 152, 157, 162), which, as Dr. Beigi himself asserts would make the “chatbot” no longer a chatbot because it does not use natural language processing. (Ex2020, 83:13-84:4). Petitioner’s attempts to explain away the lack of disclosure on the “internals” and Mr. Zatkovich’s demonstration (Reply, 10-11) are unavailing.

c. Symons Does Not Disclose [a] a “user instruction” or [b] “determin[ing] to implement an automation process ... in response to the user instruction”

The Reply mischaracterizes PO’s argument. (Reply, 6-8). The issue is not that the claims require multiple automation processes, or a single chatbot-RPA handling

multiple requests at once in a single conversation thread as Petitioner contends. The issue is that, as Petitioner admits, Symons' Chatbot-RPA is a single-purpose demo to "automate the process of creating an email signature" (Petition, 10; Ex1004, 2; Ex1003, ¶59). Consequently, as discussed in the POR, the Symons chatbot does not offer the user the choice of selecting an automation process as discussed in the '317 Patent (Ex1001, 8:65-9:4), let alone a choice between automation processes based on a "user instruction" as recited in 1[b]/9[b]/16[b]. (Ex2002, ¶¶156-164).

Petitioner also alleges that "Symons-Williams" teaches "multiple automation processes, a single chatbot-RPA that handles multiple requests, and a single conversation thread" (Reply, 6-7). The Symons/Williams combination in the Petition fails to meet the dictates of *Virtek*. While Dr. Beigi proffers other processes that he asserts may be desirable, his assertions lack the details of how or why such a combination would result. For example, Petitioner fails to explain how Symons use of a first natural language input of "I want a new signature" and the second first natural language input "Vincent DeBie" are used with second natural language input "AI engineer" to "discern ... the nature of the call" (as taught by Williams), or that it would result in a "determination" of a process other than "to create a new Cronos signature" which is all that Symons can do "at this moment". None of the alleged teachings of Williams relate to using a single chatbot-RPA to handle multiple requests at once in the same conversation thread. (Ex2002, ¶164).

2. [d]-[h] “automation process” and “third-party web-based target system”

a. [e] Williams Does Not Disclose a “third-party web-based target system”

Petitioner relies on Williams to show a “third-party web-based target system”. (Petition, 21; Reply, 8-9). Rather than point to any actual disclosure of a “third-party web-based target system”, Petitioner argues that because a web-browser enables a GUI to be used, using the web-browser makes the target system a “third-party web-based target system.” (Reply, 8). This is circular, and Petitioner does not explain how Williams adds to Symons, which also appears to use a browser (Ex2020, 177:14-178:20), or what the combination would look like. Moreover, if all web-based target systems are “third-party” simply because they are accessed using a web browser, it would render the claim limitation meaningless.

b. The Symons/Williams Combination Does Not Perform the Asserted Automation Process on a Single GUI of a Single Third-Party Web-Based Target System [d/f-h]

Petitioner argues that it “pointed to one GUI (screens shown in Ex1006) and one target system (Symons’ RPA software)” in the Petition. (Reply, 9).

This argument does not pass muster. There is no support that the RPA software itself has its own GUI on which the automation process is run. (Reply, 9; Ex1042, ¶¶35-36). Whether or not the RPA bot is a “desktop application” (Ex1042, ¶36), nothing suggests that Symons’ “RPA bot” (which according to the Petition

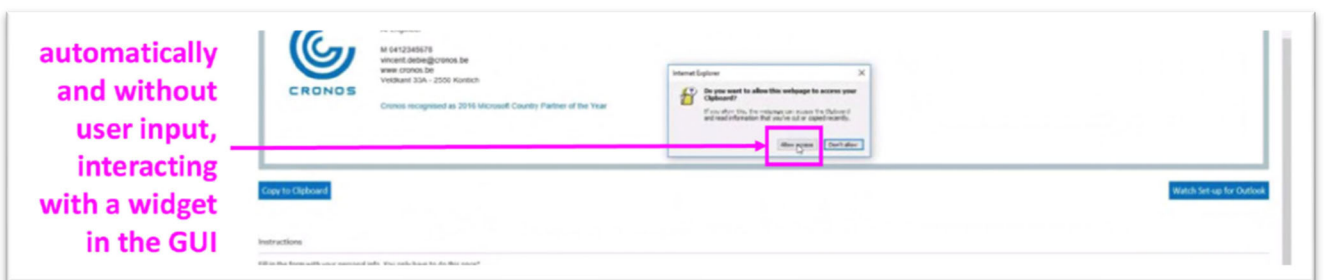
manipulates the displayed user interface, Petition, 15-22) has its own GUI, or that this GUI would incorporate the asserted UI elements.

Moreover, Symons' RPA bot is not a "third-party web-based target system". While Petitioner asserts Williams could be combined to make it a third-party web-based target system, it does not elucidate what this combination looks like. (Reply, 9). And, while given the opportunity, Dr. Beigi's provided no clear, consistent explanation. (Ex2020, 209:21-210:11; 164-241).

As discussed, since the "text input field" [g] of the browser and "widget" [h] of the Windows are actually part of different GUIs (neither of which is a "third-party, web-based target system"), this read violates antecedent basis and fails. (POR 38-40; *see also* Ex2020, 225-228).

c. [h] Dr. Beigi Admits Symons Does Not Disclose the "Automatically, and without user input, interacting with" the Asserted "widget in the GUI"

The Petition reads the 'Allow Access' button as the automation process "executing a functionality of the computer program":



(Petition 23-24; Ex1003, ¶100).

But Dr. Beigi in his deposition confirmed that interacting with the widget by clicking “allow access” “could be formed by the user and I believe that I think **most likely by the user...**” (Ex2020, 225:20-226:4). Since Symons does not show “**automatically**, and without user input, interact with a widget in the GUI”, and Williams is not offered for [h], Ground 1 fails.

3. Dependent claims

a. 2/10; 3/11/17 - Symons’ RPA Process Does Not Run on a “client device used by the user”

Claims 2/10 and 3/11/17 require the implementation of the automation process to be “by a client device used by the user” (i.e, the “user using a natural language interface” [a]). In Symons, Vincent De Bie is the “user” using the asserted natural language interface, but the automation process runs on a device belonging to Senne Symons. (Ex2002, ¶¶166-175; *see* Ex2021, 391-394). The Reply identifies no disclosure in Symons showing otherwise.

Additionally, Ground 1’s assertion for 2/10, 3/11/17 that the RPA bot operates on a personal computer of a user (Petition, 22-23; Ex1003, ¶¶102-103), is in tension with the Reply’s assertion that Symons’ “RPA bot” (which runs the “automation process”), in view of Williams, is the “third-party web-based target system”. (Reply, 8-9). It’s not clear how the RPA bot can both be the “third-party web-based target system” and operate locally on a personal computer. These allegations fail.

b. 5/13/19 – asserted “widget” does not “invoke submission” of an “online form”

Petitioner/Dr. Beigi rely upon the “allow access” button in the Windows Modal screen (Petition, 26-29; Ex1003, ¶¶108-116) as the “widget” “configured to invoke submission of the online form” (5[b]/13[b]/19[b]), which needs to be “automatically fill[ed]” by the automation process (5[a]/13[a]/19[a]). This argument continues to be inconsistent and makes no sense.

In Symons, the “form” being filled in is the Chronos email generator, which is not necessarily “online” – it could be running locally on Mr. Symon’s computer. (Ex2020, 215:23-216:4). The widget relied upon is a modal window of the “Windows Operating System” (again running locally), and not the same target system as the Cronos email generator as required by [h], let alone a “web-based target system”. (POR 6-10). And, *contra* Petitioner, copying to the clipboard does not cause the email to be sent, even if the email is sent chronologically “after”. Thus, Symons fails to read on these claims, and Petitioner offers no obviousness argument to fill the gap.

To the extent that Petitioner/Dr. Beigi is now asserting that the “web-based target system” is the Symons RPA bot, that makes no sense as discussed with respect to [d]. It is not a “target system”, and not “web-based”, and not a “third party” web-based target system since it is developed by Roborama which is related to Ariniti (the chatbot). William’s does not fill these gaps, as noted with [d].

c. 6/14

Petitioner's read on 6/14 confuses "personalizing the automation process", with the chatbot gathering personal information, and using the same automation process for every user. (Reply, 13-14). But gathering personal information in a chat is different than personalizing an automation process for each user. (Ex2002, ¶¶186-190). *See also* Claim 7 below.

d. 7

Claim 7 requires that "the chat-bot program product is configured to utilize credentials of the user, whereby the chat-bot is privy to user-specific information". Dr. Beigi and the Reply recognize that this is referring to col. 20, ll. 13-15, but ignore the context in the specification:

In some exemplary embodiments, the automation process may be a parameterized automation process that can be provided with values to its parameters. In some exemplary embodiments, parameter values may be mandatory. The user may associate parameters gathered by the conversation (e.g., by Question Step 550 b, 550 c, 550 d, 550 e of FIG. 5B). Additionally, or alternatively, the user may associate parameters available to the chat bot, such as based on the user credentials, environment variables, or the like.

(Ex1001, 20:6-15 (omitted context in bold)).

Thus, as the fuller passage recognizes, "associate[ing] parameters available to the chatbot, such as based on the user credentials" is expressly distinguished from

“parameters gathered by the conversation”, such as from the questions posed by the chatbot. (*Id.*; POR, 44-45; Ex2002, ¶¶239-246). Petitioner/Dr. Beigi’s reliance on information gathered in the conversation (Petition, 29; Ex1003, ¶119), thus does not make the chatbot “privity to user credentials”.

e. 8/15/20

These claims require the “automation process” (Symons’ RPA per Petitioner) to “automatically identify the widget in the GUI” and to “automatically identifying the text input field in the GUI.”

As discussed with respect to [g]/[h], Petitioner/Dr. Beigi rely upon the “Allow Access” button in the window modal window for the “widget” of the GUI in [h], and the Cronos email generator window for the “GUI” in [h]. (Petition, 23-24). This fails for the reasons discussed above because they are not the same “GUI”, as required under the law of antecedent basis.

But more particular with respect to these claims, at his latest deposition, Dr. Beigi confirmed, in any event, that the “Allowed Access” button is not necessarily “automatically” responded by the Symons RPA Bot: **“it could be formed by the user and I believe that I think most likely by the user...”** (Ex2020, 225:20-226:4). As no alternative ground beyond Symons inherently teaching the “Allowed Access” button has been offered, Dr. Beigi’s admission is another reason why these allegations fail.

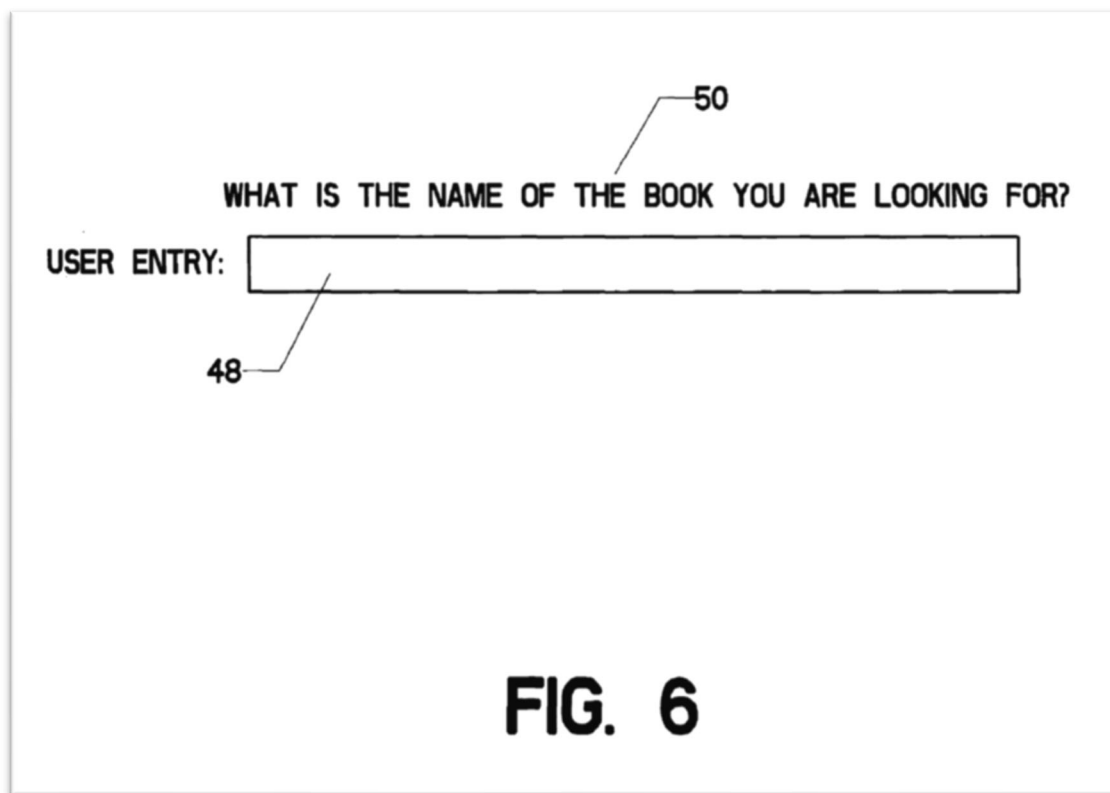
B. Ground 2: Allen Does Not Disclose or Render Obvious Claims 1-20

1. Allen Does Not Teach [a] “Natural language interface”

a. Allen uses a form to collect information, not a “natural language interface”

Petitioner’s Reply misinterprets the POR and Allen, by conflating training of an automation process in Allen (Figure 3) with the execution of an automation process (Figure 6).

As laid out in the POR, Allen teaches using a form, for example as displayed in Figure 6, to obtain information during execution of an automation process:



(Ex2014, FIG. 6; *see also* POR, 52-53; Ex2002, ¶¶218-219).

Dr. Beigi explicitly acknowledged that Figure 6 collects information during his deposition:

Q. ... So in the conversation that you relied on, you relied upon the fact that the system would ask what is the title of the book?

A. Yes. Okay. Yes.

Q. And if you look at Figure 6. That's an example of how the system asked it using the word "name" instead of title, correct?

A. Yes.

(Ex2003, 257:15-24).

But as Dr. Beigi confirmed a "form" is not "human natural language" required to meet a "natural language interface":

Q. So would a form where you fill in a name, address, telephone number, would that be human natural language?

A. No

(Ex2003, 60:24-61:3).

Accordingly, as the POR explained, supported by Mr. Zatkovich's and Dr. Beigi's testimony, FIG. 6 is not a "natural language interface". (POR 53; Ex2002, ¶¶218-219).

The Reply attempts to contradict this point, and Dr. Beigi's sworn testimony, by drawing meaningless distinctions. Each fails.

First, Petitioner argues that the “question in Figure 6 ... is different from the question” of the asserted conversation at 12:62-13:1, since it says “name of the book”, not “title of the book”. (Reply, 15). But Dr. Beigi expressly agreed that “Figure 6 [is] an example of how the system asked [about information for the book buying task] using the word ‘name’ instead of title”. (Ex2003, 257:20-24).

Next, Petitioner argues the POR mischaracterized Dr. Beigi’s testimony on forms and Figure 6, and attempts to distinguish Figure 6 from a form. These fall flat, since the Reply provides no reasoning or explanation why Figure 6 is any different from “a form where you fill in name, address, telephone”. (Reply, 15; Ex1042, ¶¶69-70).

Finally, Petitioner argues that “the Petition did not rely on Figure 6 because it relates to training”. (Reply, 15). But the same can be said of the “speech interface display 20” the Petition identifies as the “natural language interface” (Petition, 39-40). As Mr. Zatkovich explained, the “speech interface display 20” is “used to teach the PLOW system how to perform a task”, not implement a conversation configured to invoke an automation process. (Ex2002, ¶¶206-216, 218-219). Even Dr. Beigi acknowledges these are “specific to training”. (Ex1042, ¶68).

2. [d]-[h] “graphical user interface (GUI) of the web-based target system”

As discussed in the POR, the asserted “automation process” is not inherently performed using the GUI of a third-party web-based target system, even if the GUI

is used to teach PLOW a given task. Allen focuses on disclosing how to train PLOW to perform automation processes. Allen does not disclose how the automation processes are performed (POR, 54-55). As Mr. Zatkovich confirms, a POSITA would understand PLOW “could interface directly with the HTML code, which it already accesses and uses during the learning process”. (Ex2002, ¶228). It can similarly use code to send “ASCII transmissions from the client computer back to the hosting server”. (Ex1014, 2:22-24; Ex2002, ¶227).

Petitioner attempts to explain away this by pointing to disclosure in Allen indicating that HTML code, as a general matter, can be used to display a web page on a browser. (Reply, 16). But this does not contradict Mr. Zatkovich’s testimony, or show that Allen, during execution of an automation process (as opposed to during training), would actually use the displayed user interface.

Dr. Beigi’s additional example (not cited in the Petition) of pointing to the iterative task of Figures 9 and 10 (Ex1042, ¶75) provides additional support for this point. Setting aside whether this iterative process would otherwise meet the claimed “automation process”, as Allen explains, during execution, the “process is actually performed by analyzing the HTML or comparable code”. (Ex1014, 14:17-19). This suggests the process is more likely performed by using HTML code than the web-based target system as required by claim 1. Figure 9 is used during training (Ex1014, 13:6-14:6, FIG. 9). Figure 10 is an “alternative GUI” which simply displays the

results after the iterative task and is not the GUI of the “target system” (“the original webpage is filtered out”). (Ex1014, 14:7-10, 16:10-12).

Petitioner also provides a grab-bag of new citations to show the “web-based target system” is used outside training. Not only are these citations divergent from the Petition’s read (*compare* Petition, 42-43 *with* Reply, 15-16), but the cited portions do not prove Petitioner’s point:

Ex1014, 18:38-49 (Claim 1): Dr. Beigi’s assertion that Allen “shows that its GUI and natural dialog-based interface are not limited to just training” (Ex1042, ¶66) is not supported by evidence. The “natural dialog-based interface” identified in “d.” is used by “said user”. The same user using the “natural dialog-based interface” (see step “i.”) is the user performing “demonstrations” for “learning” step “h.” There is no discussion of executing involving a “natural dialog-based interface”. Moreover, the process covered in Claim 1 is not related to the book buying conversation at 12:62-13:1 asserted as the conversation.

Abstract: Only by misciting and modify Allen’s abstract, does the Reply assert the system performs actions using the GUI, instead of by a user using the GUI: “A system **which allows a user to perform[s] complex, repetitive** tasks that the user usually would perform using the device’s graphical user interface (GUI).” (Ex1014, Abstract; omitted and added language in bold).

1:50-52: “The present invention can be configured to apply to virtually any computational device employing a [GUI]...” does not demonstrate the GUI is used during execution, as opposed to during training.

15:24-40: This is irrelevant to performing an automation process on the “GUI” of “the third-party web-based target system”. The passage relates to FIG. 10, and a user modifying the “alternative GUI” used by PLOW to show formatted search results. Such modifications are not [e] “automatically **and without user input**, filling in a text input field **in the GUI of the web-based target** system; and” [f] “**automatically, and without user input**, interacting with a **widget in the GUI** to cause **the web-based target system** to perform a predefined functionality.”

3. The Reply Does Not Defend the Petition’s Flawed Obviousness Analysis

As explained in the POR, the Petition relies on a flawed motivation of seeking to monitor a task once the task is learned and tested, since “monitoring no longer serves a purpose” at that point. (POR, 59; Ex2002, ¶¶229-232). The Reply offers no explicit rebuttal, seemingly conceding the point. (Reply, 15-16). Dr. Beigi’s reliance on Fig. 10 (Ex1042, ¶75) to respond falls flat. Figure 10 relates to an iterative search and is divorced from the petition. (*See* Petition, 40-42: “book buying task (automation process)”, and web-based target system “AMAZON.COM”). It bears repeating that Figure 10 is an “alternative GUI” which simply displays the results after the iterative task and is not the GUI of the “target system” (“the original

webpage is filtered out”). (Ex1014, 14:7-10, 16:10-12). This does not provide motivation to combine.

4. Dependent Claims

a. 6/14

As discussed, Claims 6/14 require more than merely using information related to a user provided during a conversation. (POR 60-61; Ex2002, ¶¶234-238). The Reply’s insistence to the contrary should be rejected.

b. 7

Allen does not teach using “credentials” or being “privy to” information as properly understood. (POR 61-62; Ex2002, ¶¶239-246). Petitioner offers no contrary explanation other than to misconstrue the claims. (Reply, 17). This approach should be rejected.

C. Ground 3: Krishnan and Radhakrishnan Do Not Render Obvious Claims 1-4, 6-7, 9-12, 14, 16-18

1. Neither Krishnan nor Radhakrishnan Teach to [d] “implement the automation process by interacting with a [GUI]” and Their Combination Does Not Achieve This Claim Element

[d] requires “implement[ing] the automation process by interacting with a [GUI]”.

Krishnan has no automation process. Krishnan executes tasks using “back-end”. (Ex1016, 2:33-35). The Reply’s emphasizes that Krishnan recites “other information processing systems” and that the chatbot “perform[s] an action”. (Reply,

19). But these does not show that the chatbot performs anything other than executing scripts.

Radhakrishnan does not interact with a GUI. The Reply asserts that “Radhakrishnan utilizes a GUI”, because the “RPA module interacts directly with a presentation layer ... within a **virtual environment**.” (Reply, 20) But that is the opposite of what the virtual environment is used for in Radhakrishnan; RPA bot commands “may not occur on a display device itself, but rather be performed in a **virtual environment** wherein the bot interprets the display of a screen electronically.” (Ex1018 5:56-59).

As Krishnan does not teach an automation process, and Radhakrishnan does not interact with a GUI, their combination cannot “implement the automation process by interacting with a [GUI]”.

2. The Combination of Krishnan and Radhakrishnan Would Not [d] use “collect[ed] information ... as part of the automation process”

The Reply alleges that “Krishnan’s teachings of a chatbot and automation process (which uses information obtained by the chatbot) and Radhakrishnan’s teachings of an automation process that interacts with a GUI” meet the claim elements 1[d]/9[d]/16[d]. (Reply, 20). However, Petitioner ignores that the information must be “used as part of the automation process”. Even if Krishnan collects information, the allegedly automated processes of Radhakrishnan would

have no ability to use this information. Radhakrishnan is not designed to substitute in alternative inputs, but is instead directed to generating “a recording of said one or more operations executed on the user device” for error detection and correction. (Ex1018, 10:57-59) (Ex2002, ¶306).

3. Combining Krishnan and Radhakrishnan as Alleged Would Increase Costs and Waiting Times and Reduce Computing Resources

The Reply’s assertion that the Petition’s theory that “the automation process ... is tied to the displayed UI” (Reply, 21) has no support from the Petition. If the “combination does not replace Krishnan’s database or access it with a displayed UI” (*id.*), this would only increase processing activities (by using both the GUI and backend database). It also does not use a GUI to, e.g., book the flight, as required. Either way, the incomplete analysis continues to fail in light of *Virtek*.

4. Radhakrishnan is Non-Analogous Art

Rather than endorse Dr. Beigi’s explanation of the pertinent field of Radhakrishnan (Ex2003, 273:20-276:25), the Reply offers a new and different field (Reply, 18), raising questions about Dr. Beigi’s reliability, and the appropriateness of the reference.

5. Dependent claims

a. 2/10, 3/13/17 - The Reply Has Changed the Petition's Read of "client device"

Claims 2/10 and 3/13/17 require a "client device used by the user". The Petition asserted that Krishnan's "bot-builder interface" was a "client device used by the user". (Petition, 69). The Reply attempts to expand the definition of "client device". "Krishnan provides multiple examples of computing devices, one is a 'bot-builder' interface, but another is a chatbot." (Reply, 22) "A patent owner ... is undoubtedly entitled to notice of and a fair opportunity to meet the grounds of rejection". *In re NuVasive, Inc.*, 841 F.3d 966, 971 (Fed. Cir. 2016). Petitioner's new ground comes too late in the proceedings to be considered met with a fair opportunity to meet the rejection.

In any event, the expanded definition of "client device" does not meet the claim limitations of claim 1 as discussed above. For example, the Reply cited the chatbot in Krishnan as "perform[ing] actions to fulfill a user request" but this is not an "automation process" as required by claim 1, as such a process can be performed by scripting. (Reply, 22).

b. 6/14 - The Reply Renders "personalizing an automation process" Superfluous

Claims 6/14 require "wherein the information comprises information of the user, whereby personalizing the automation process". The Reply asserts that Dr. Beigi is correct in stating that the "flight booking task" hypothetical from the POR

would be personalized because using John’s information would involve a “different automation process[.]” than compared to the automation process for using Mary’s information. (Reply, 23; Ex1042, 109). But such a reading would render the claim term “personalizing” superfluous. Every automation process that collects user information under the Petitioner’s read would be personalized. “It is highly disfavored to construe terms in a way that renders them void, meaningless, or superfluous. *Intel Corp. v. Qualcomm Inc.*, 21 F.4th 801, 810 (Fed. Cir. 2021).

The fact that it gathers personal information does not “personalize” the “automation process”.

IV. THE BOARD SHOULD GIVE LITTLE/NO WEIGHT TO DR. BEIGI, NOT MR. ZATKOVICH

The Reply asserts the Board should give little to no weight to Mr. Zatkovich’s opinions (Reply, 25-26), but in fact, it is Dr. Beigi’s opinions that deserve little or no weight.

First, Petitioner objects that the PO has relied on Mr. Zatkovich’s **opinions** to adopt a “narrowing” of the claims, and that Mr. Zatkovich did not consider any dictionaries in his “**claim construction**”. (Reply, 25). But Mr. Zatkovich never performed claim construction for this IPR. (Ex2002, 82-84). Thus, this allegation, like many others in this IPR, appears to be haphazardly copied and pasted from other the other two IPRs, and similarly makes no sense in context.

Next, Petitioner alleges that Mr. Zatkovich contradicts his own testimony, but it is Dr. Beigi who offered testimony in this Reply Declaration contradictory to his unvarnished testimony in his first deposition.

The unreliability of Dr. Beigi's testimony is also evidenced by the following:

1. At his second deposition, he continually refused to answer straightforward questions directly, and instead would ramble with convoluted and irrelevant analysis. (*See, e.g.*, Ex2020, 176:10-179:20). He would not identify what he was paid (Ex2020, 15:4-17:9) or how much time he spent preparing roughly 250 pages of testimony for the 3 IPRs. (Ex2020, 93:4-10, 95:2-19)
2. His Reply Declaration omits any identification of the documents he relied upon in preparing the declaration. When asked he identified the list of Petitioner's exhibits, but not PO's exhibits, although he eventually admitted he relied upon PO's exhibits. (Ex2020, 106:10-22)
3. He admittedly had errors that if he had checked the declaration before signing he should have caught. (Ex2020, 142:21-145:9)
4. Dr. Beigi's analysis of Claim 1 illustrates that he did not "understand" the proper legal framework for obviousness. (Ex2020, 179:21-180:9, 197:3-202:19).

V. CONCLUSION

For the foregoing reasons, Petitioner failed to establish Claim 1-20 are unpatentable.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATION

Pursuant to 37 C.F.R. § 42.24(d), I hereby certify that this Sur-Reply complies with the type-volume limitation of 37 C.F.R. § 42.24(c)(4) because, based upon the word count of the word-processing system used to prepare this petition, the number of words in this Sur-Reply is 5,424. Pursuant to 37 C.F.R. §42.24(c), this word count does not include “table of contents; a table of authorities; a listing of facts that are admitted, denied, or cannot be admitted or denied; a certificate of service or word count; or an appendix of exhibits.”

By: /Charles R. Macedo/

Dated: November 19, 2024

Charles R. Macedo

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that on this 19th day of November 2024, a copy of the foregoing **PATENT OWNER'S SUR-REPLY TO PETITIONER'S REPLY FOR INTER PARTES REVIEW OF CLAIMS 1-20 OF U.S. PATENT NO. 11,558,317 B2** was served via electronic mail on the following counsel of record for Petitioner in this proceeding:

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